

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALBERT JAMAAL YOUNGBLOOD,

Petitioner,

v.

DONALD R HOLBROOK,

Respondent.

CASE NO. C14-5919 RBL-JRC

ORDER

The District Court has referred this 28 U.S.C. § 2254 petition to Magistrate Judge J. Richard Creatura. Petitioner, through counsel, asks that the Court stay this matter and hold it in abeyance (Dkt. 3).

Petitioner explains that he currently has a motion for discretionary review and a motion to extend the filing time for his motion for discretionary review pending before the Washington State Supreme Court (Dkt. 3, p. 2). District courts may use a “stay-and-abeyance” procedure while a petitioner exhausts his claims in state court. *Rhines v. Weber*, 544 U.S. 269, 275-77; *Calderon v. United States District Court (Taylor)*, 134 F.3d 981, 988 (9th Cir.1998). In determining whether the petition should be stayed, the Court must “be mindful that AEDPA aims

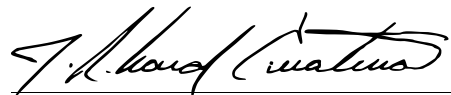
1 to encourage the finality of sentences and to encourage petitioners to exhaust their claims in state
2 court before filing in federal court.” *Wooten v. Kirkland*, 540 F.3d 1019, 1024 (9th Cir. 2008),
3 *cert. denied*, 129 S.Ct. 2771 (2009).

4 Petitioner states that if he waits for a ruling from the Washington State Supreme Court he
5 may miss the filing deadline for a federal habeas corpus action (Dkt. 3, pp. 2-3). Petitioner has
6 shown good cause for a short stay of this petition. The Court orders that this proceeding will be
7 stayed and held in abeyance until May 1, 2015.

8 Petitioner will file a report and, if needed, a motion to extend the stay on or before April
9 17, 2015 -- fourteen days before the stay ends. Petitioner will inform the Court of the status of
10 his state proceedings. Petitioner’s report will include the state court cause number. Further, if
11 the state court dismisses the petition or terminates review, petitioner will inform the Court and
12 file a motion to lift the stay within 30 days of the state court taking action. Petitioner’s failure to
13 file a proper report or inform the Court of the termination of state review will result in the Court
14 issuing a report and recommendation that this petition be dismissed.

15 The Clerk’s office is directed to remove Dkt. 3 from the Court’s calendar.

16 Dated this 21st day of January, 2015.

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19 J. Richard Creatura
20 United States Magistrate Judge
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